

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.08.2015

CORAM

THE HON'BLE Mr. JUSTICE R.MAHADEVAN

W.P.No.26186 of 2015

S.G.Sekar

[Petitioner]

Vs

- 1 The Commissioner of Police
Vepery Chennai-600 007.
- 2 The Joint Commissioner of Police (North)
Egmore Chennai-600 008.
- 3 The Deputy Commissioner of Police
Madavaram Range Chennai-600 060.
- 4 The Assistant Commissioner of Police
Ennore Range Ennore
Chennai-600 057.
- 5 The Inspector of Police
M-8 Sathankadu Police Station Thiruvottiyur
Chennai-600 019.

[Respondents]

Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus to direct the 5th respondent to consider petitioner representation dated 13.08.2015 seeking permission and protection for the Cultural Programme (Songs and Dance) to be held on dd14.09.2015 at 7.30 P.M. an account of Om Arulmigu Aadhiparasakthi Amman Thiru Koil 15th Brammorsava Peruvizha at Rajaji Nagar Thiruvottiyur Chennai-19.

For Petitioner .. Mr.S.Sakthivelan
For Respondents .. Mr.Durai Solaimalai, AGP

ORDER

Seeking permission to conduct cultural programme on 14.09.2015 at Om Arulmigu Aadhiparasakthi Amman Thiru Koil, Rajaji Nagar, Thiruvottiyur, Chennai-19. the petitioner made a representation dated 13.08.2015 to the 5th respondent. As the same has not been considered, the present writ petition has been filed.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

3. Learned Additional Government Pleader, on instructions, would submit that there is likelihood of law and order problem.

4.A mere apprehension cannot be a ground to reject the representation. There is absolutely no material before this Court to hold that there will be a law and order problem in the event of permission being granted. In such view of the matter, the writ petition is allowed and the petitioner is permitted to conduct cultural programme on 14.09.2015, at Om Arulmigu Aadhiparasakthi Amman Thiru Koil, Rajaji Nagar, Thiruvottiyur, Chennai-19, however, with the following conditions:-

(a) The cultural programme in connection with temple Festival at Om Arulmigu Aadhiparasakthi Amman Thiru Koil, Rajaji Nagar, Thiruvottiyur, Chennai-19, be held on 14.09.2015 between 06.00 p.m and 10.30 p.m.

(b) There should not be any kind of obscene dance or vulgar dialogues during the performance, by anyone of the participants.

(c) Double meaning songs should not be played so as to spoil the minds of students and youths.

(d) No dance or songs, touching upon any political party or religion or community or caste be played.

(e) No flex boards in support of any political party or communal leader be erected.

(f) The function should not affect either religious or communal harmony and shall be conducted without any discrimination based on caste.

(g) The cultural programme shall be conducted without damaging the actual culture of this land.

(h) If there is any violation of any one of the conditions imposed, the concerned police officer is at liberty to take necessary stringent action, as per law and stop such performance;

(i) Similarly, the police is entitled to stop the dance programme, if it exceeds beyond the permitted time, and

(j)The 5th respondent is directed to issue necessary permission, incorporating the above conditions.
No costs.

rg

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

- 1 The Commissioner of Police
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- 2 The Joint Commissioner of Police (North)
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Chennai-600 019.

+ 1 cc to Mr.S.Sakthivelan, Advocate SR 44907

+ 1 cc to Govt.Pleader High Court, Madras SR 44723

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